

### **REMARKS**

In response to the Office Action dated February 13, 2006, Applicants respectfully request reconsideration.

#### **Drawings**

Enclosed herewith are Replacement Sheets replacing original FIGS. 1-5. FIGS. 1 and 5 stand "objected to under 37 C.F.R. § 1.84(m) because they fail to show the necessary textual description stated in the drawings figures of figures 1 and 5." The shading has been removed from FIGS. 1 and 5. Applicants respectfully assert that FIGS. 1 and 5 comply with 37 C.F.R. § 1.84(m).

Furthermore, FIGS. 2 and 5 have been amended. FIG. 2 has been amended to show a volume manager 221 instead of a volume manager 112. FIG. 5 has been amended to include a "file management system 500." Applicants assert that no new matter is introduced by the amendments to FIGS. 2 and 5.

#### **Specification**

The Specification stands objected to. The Examiner has required that the Applicants provide serial numbers for the related applications indicated on page 1, ¶ [01] of the specification.

Submitted herewith is a replacement paragraph that replaces the original version of ¶ [01]. Applicants assert that the amendments to the specification overcome the Examiner's objection.

#### **Double patenting**

Claims 1 and 2 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting. Applicants assert that claims 1 and 2 of the present application are patentably distinct over the other claims identified by the Examiner.

Applicants, however, are submitting a terminal disclaimer herewith, thus obviating the double patenting rejection of claims 1 and 2.

### **35 U.S.C. § 101 rejections**

Claim 1 stands rejected under 35 U.S.C. § 101 as being directed to a system of managing volumes of electronic files which is an abstract idea or the mere manipulation of an abstract idea. Applicants thank the Examiner for the suggestion of amending claim 1 to read “A computerized file management system.” Claim 1 has been amended to reflect the Examiner’s suggested language. Thus, Applicants assert that claim 1 satisfies 35 U.S.C. § 101.

### **35 U.S.C. § 103 rejections**

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,330,572 (Sitka) in view of U.S. Patent No. 6,741,996 (Brechner).

Sitka in view of Brechner does not teach, disclose, suggest, or make obvious a computerized file management system, as recited in claim 1, including an organization module configured to organize the electronic files based on metadata. The Examiner cited FIG. 10, col. 3, ll. 42-46, col. 11, ll. 41-67, col. 12 ll. 19 & 26-57, col. 13, ll. 57-67, col. 14, ll. 1-61 of Brechner as teaching “means for organizing the files based on the metadata, wherein the metadata includes automatically generated metadata and user defined metadata.” (Office Action dated 2/13/06, p. 8) Brechner discusses a media clip organizer software application that simplifies browsing the media clips. Abstract. Metadata “are automatically associated with each file in the collection hierarchy.” Col. 2, ll. 66-67, col. 6, ll. 1-11. The metadata comprises “keywords derived from the folder path associated with each file in the collection hierarchy.” *Id.*, Col. 3, ll. 1-3. Claim 1, however, recites an organization module configured to organize the files based on the metadata, wherein the metadata includes a tag comprising a name/value pair describing an attribute of a selected file of the electronic files.

Furthermore, Sitka in view of Brechner does not teach suggest or make obvious a volume manager, as recited in claim 1, configured to manage metadata. The Examiner cited FIG. 2, element 52 and col. 17, ll. 23-26 of Sitka as teaching or suggesting a volume manager that manages the electronic files as metadata relating to such files. The cited portions of Sitka, however, discuss a volume manager 52 that:

carries out the following tasks: (1) maintains the records in the Volume and Store tables in the database; (2) aids in selecting appropriate destination volumes for IO Requests; (3) gets volumes ready for transferring data; and (4) when data transfer is complete, releases the volumes. In preparing volumes for transfer, volume manager 52: (a) issues Volume Mount requests to the Library Server 16 and handle the responses; and (b) issues requests to Volume Server 18 to prepare the drive and volume for file segment commands, and handle the responses. Volume Server 18 sets up Data Mover 20, 21. To release the volumes, Volume Manager 52 issues requests to Volume Server 18 to release the volume and drive, and issues requests to Library Server 16 to unmount the Volume.

Col. 15, l. 15 – col. 16, l. 4. While Sitka discusses file metadata, the cited portion of Sitka does not disclose that the volume manager manages the metadata. The cited portions discuss that the file metadata is contained in the Database Server 26, rather than a volume. Thus, Sitka does not teach, suggest, disclose, or make obvious a volume manager configured to manage electronic files on the volume and to manage metadata relating to the electronic files on the volume, as does claim 1.

Thus, at least for the above reasons, claim 1 is patentable over Sitka in view of Brechner.

Claims 2, and 5-35, which depend from independent claim 1, stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Sitka in view of Brechner. For at least the reasons discussed above with respect to claim 1, claims 2 and 5-35 are patentable over Sitka in view of Brechner.

### **Conclusion**

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with

Applicant's representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 25396-004.

Respectfully submitted,



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